

Senate Bill 16

By: Senators Harp of the 29th, Stoner of the 6th, Balfour of the 9th, Jones of the 10th, Orrock of the 36th and others

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 3-3-7 of the Official Code of Georgia Annotated, relating to the local authorization and regulation of sales of alcoholic beverages on Sunday, so as to provide that in each county or municipality in which package sales of certain alcoholic beverages by retailers are lawful, the governing authority of the county or municipality, as appropriate, may authorize package sales by a retailer of such alcoholic beverages for any period of time on Sundays from 12:00 Noon until 12:00 Midnight, if approved by referendum; to provide procedures; to provide for applicability; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 3-3-7 of the Official Code of Georgia Annotated, relating to the local authorization and regulation of sales of alcoholic beverages on Sunday, is amended by adding new subsections to read as follows:

"(p)(1)(A) As used in this subsection, the term 'Sunday sales' means package sales by retailers of malt beverages and wine for any period of time on Sundays from 12:00 Noon until 12:00 Midnight.

(B) In each county or municipality in which package sales of malt beverages and wine by retailers are lawful, but package sales of distilled spirits by retailers are not lawful, the governing authority of the county or municipality, as appropriate, may authorize Sunday sales under this subsection if such Sunday sales of malt beverages and wine are approved by referendum as provided in paragraph (2) of this subsection.

(2) Any governing authority desiring to permit and regulate Sunday sales pursuant to paragraph (1) of this subsection shall by proper resolution or ordinance call for such a referendum election. Upon receipt of the resolution or ordinance, the election superintendent shall issue the call for an election for the purpose of submitting the question of Sunday sales pursuant under this subsection to the electors of that county or municipality for approval or rejection. The election superintendent shall issue the call

and shall conduct the election on a date and in the manner authorized under Code Section 21-2-540. The election superintendent shall cause the date and purpose of the election to be published once a week for two weeks immediately preceding the date of the election in the official organ of the county. The ballot shall have written or printed thereon the words:

'() YES Shall the governing authority of (name of county or municipality) be authorized to permit and regulate package sales by retailers of malt () NO beverages and wine for any period of time on Sundays from 12:00 Noon until 12:00 Midnight?'

All persons desiring to vote for approval of such Sunday sales shall vote 'Yes,' and all persons desiring to vote for rejection of such Sunday sales shall vote 'No.' If more than one-half of the votes cast on the question are for approval of such Sunday sales, then the governing authority shall be authorized to permit and regulate such Sunday sales through the issuance of licenses and the passage of resolutions or ordinances. The expense of the election shall be borne by the county or municipality in which the election is held. The election superintendent shall canvass the returns, declare the result of the election, and certify the result to the Secretary of State.

(3) If the election held pursuant to paragraph (2) of this subsection results in the approval of Sunday sales under this subsection, the governing authority of the county or municipality shall be authorized to provide by the issuance of licenses and the passage of resolutions or ordinances all provisions concerning Sunday sales under this subsection, except where otherwise provided by state law. The governing authority shall at any time be authorized to adjust the period between 12:00 Noon and 12:00 Midnight during which such sales on Sundays may be permitted within its jurisdiction by the adoption of an appropriate resolution or ordinance.

(4) Following the expiration of one year after any election is held which results in the disapproval of Sunday sales, another election on this question shall be held if the governing authority, as provided in paragraph (2) of this subsection, forwards a proper resolution or ordinance to the election superintendent calling for such a referendum.

(5) In any county or municipality which has at any time held an election in accordance with paragraph (2) of this subsection resulting in the majority of the votes being cast in favor of Sunday sales under this subsection, the election superintendent of the county or municipality, upon receipt of a proper resolution or ordinance of the governing authority or upon receipt of a written petition signed by at least 35 percent of the registered qualified voters or the county or municipality, shall proceed to call another election for the purpose of nullifying the previous election in the same manner as prescribed in paragraph (2) of this subsection.

(6) Whenever Sunday sales are permitted by a county or municipality pursuant to this subsection, such sales shall be made only by licensed retailers licensed to sell by the package.

(7) The provisions of this subsection are in addition to and not in lieu of any other provisions of this title relative to the sale of malt beverages and wine by retailers.

(q)(1)(A) As used in the subsection, the term 'Sunday sales' means package sales by retailers of malt beverages, wine, and distilled spirits for any period of time on Sundays from 12:00 Noon until 12:00 Midnight.

(B) In each county or municipality in which package sales of malt beverages, wine, and distilled spirits by retailers are all lawful, the governing authority of the county or municipality, as appropriate, may authorize Sunday sales under this subsection if such Sunday sales are approved by referendum as provided in paragraph (2) of this subsection. Pursuant to this subsection, the governing authority in each county or municipality in which package sales of malt beverages, wine, and distilled spirits are all lawful may not seek authorization to permit and regulate package sales on Sundays of only one type of these alcoholic beverages; instead, the governing authority may only seek authorization of package sales by retailers of all three types of these alcoholic beverages.

(2) Any governing authority desiring to permit and regulate Sunday sales, pursuant to paragraph (1) of this subsection, shall by proper resolution or ordinance call for such a referendum election. Upon receipt of the resolution or ordinance, the election superintendent shall issue the call for an election for the purpose of submitting the question of Sunday sales to the electors of that county or municipality for approval or rejection. The election superintendent shall issue the call and shall conduct the election on a date and in the manner authorized under Code Section 21-2-540. The election superintendent shall cause the date and purpose of the election to be published once a week for two weeks immediately preceding the date of the election in the official organ of the county. The ballot shall have written or printed thereon the words:

'() YES Shall the governing authority of (name of county or municipality) be authorized to permit and regulate package sales by retailers of malt beverages, wine, and distilled spirits for any period of time on Sundays from 12:00 Noon until 12:00 Midnight?'

All persons desiring to vote for approval of Sunday sales shall vote 'Yes,' and all persons desiring to vote for rejection of Sunday sales shall vote 'No.' If more than one-half of the votes cast on the question are for approval of such Sunday sales, then the governing authority shall be authorized to permit and regulate such Sunday sales through the issuance of licenses and the passage of resolutions or ordinances. The expense of the

election shall be borne by the county or municipality in which the election is held. The election superintendent shall canvass the returns, declare the result of the election, and certify the result to the Secretary of State.

(3) If the election held pursuant to paragraph (2) of this subsection results in the approval of Sunday sales under this subsection, the governing authority of the county or municipality shall be authorized to provide by the issuance of licenses and the passage of resolutions or ordinances all provisions concerning Sunday sales under this subsection, except where otherwise provided by state law. The governing authority shall at any time be authorized to adjust the period between 12:00 Noon and 12:00 Midnight during which such sales may be permitted on Sundays within its jurisdiction by the adoption of an appropriate resolution or ordinance.

(4) Following the expiration of one year after any election is held which results in the disapproval of Sunday sales, another election on this question shall be held if the governing authority, as provided in paragraph (2) of this subsection, forwards a proper resolution or ordinance to the election superintendent calling for such a referendum.

(5) In any county or municipality which has at any time held an election in accordance with paragraph (2) of this subsection resulting in the majority of the votes being cast in favor of Sunday sales under this subsection, the election superintendent of the county or municipality, upon receipt of a proper resolution or ordinance of the governing authority or upon receipt of a written petition signed by at least 35 percent of the registered qualified voters of the county or municipality, shall proceed to call another election for the purpose of nullifying the previous election in the same manner as prescribed in paragraph (2) of this subsection.

(6) Whenever Sunday sales are permitted by a county or municipality pursuant to this subsection, such sales shall be made only by licensed retailers licensed to sell by the package.

(7) The provisions of this subsection are in addition to and not in lieu of any other provisions of this title relative to the sale of malt beverages, wine, and distilled spirits by retailers."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.